



# Women and regional elections from the perspective of gender equality according to Islamic law

Sutinah Suhardi<sup>1</sup>

<sup>1</sup>Teacher Training and Education, Universitas Islam Negeri Alauddin Makassar

Correspondence Email: [sutinah8suhardi@gmail.com](mailto:sutinah8suhardi@gmail.com)

## ABSTRACT

This article focused on studying women and local elections from the perspective of gender equality according to Islamic law. The literature review found that the concept of women and regional elections from the perspective of gender equality according to Islamic law has an egalitarian dimension for Allah's creations without being restricted by biological differences. Islamic law emphasizes that gender equality in participating in regional elections, as one way of serving in public spaces, should be carried out responsibly by women without disregarding their natural roles as wives to their husbands or mothers to their children in the domestic sphere of the household. The opportunities for women and regional elections from the perspective of gender equality according to Islamic law are: a) the Qur'an and hadith indicate the need for gender mainstreaming within the framework of egalitarianism for both men and women, b) the country has provided normative juridical grounds through legislation, government regulations, and the like, emphasizing the need for women's access to politics, c) as well as the social and psychological cultural norms in Indonesian society, which are open and accommodating towards women's involvement in politics. The challenges for women to participate in regional elections according to Islamic law are a) the persistence of specific social communities that seek to perpetuate patriarchal culture, b) the dual role of women in the domestic sphere of the household and the public sphere, which requires proportional balance, c) and stereotypes that portray women as ideally occupying a subordinate vertical position to men. Strengthening women from the perspective of gender equality according to Islamic law can be done by a) the need for a paradigm shifts in the understanding of Islamic law related to gender relations, b) the need for comprehensive and holistic gender mainstreaming from the conceptual level to practical implementation, c) and the need for support from the triadic relationship of religion, state, and customs in empowering women in local elections.

**Keywords:** Women; regional election, elections; gender equality; Islamic Law

## 1. INTRODUCTION

The existence of women has long been confined to patriarchal spaces that restrict their basic rights in society. Unfortunately, this condition is often supported by various normative texts created or interpreted based on gender inequality in the name of gender hegemony. The view that women are a source of disaster in human life is not only found in Islam. The same view can also be found in Europe, with strong Christian theology in the past. In the early days, many Christian communities in Europe saw women as one of the traps that could lead humanity to evil, so they always had to be under the supervision of men if life on earth was to be saved. This is recorded in European history with its Christian theology when St. Augustine, known as the father of Western spirituality, told his congregation that through a woman came the original sin, which brought death to everyone (Anthony Synnott, 2007, p. 72). An Iranian feminist, Haideh Moghissi, argues that women in their social lives are constantly confronted with the lives of men, so what is in the interest of women is always required to be adjusted to the interests of men. The logical consequence is that conflicts of interest between women and men are considered acts of defiance against the desires of God that are in the interests of men. Women are a weak community with all their limitations. Without men, women commit violations (Haideh Moghissi, 2005, p. 29).

The phenomenon mentioned above has led to efforts to mainstream gender equality in various dimensions of social life, as can be found in the Bappenas draft of the National Medium-Term Development Plan 2020-2024, which carries the overarching theme of "Indonesia as a Prosperous, Just, and Sustainable Middle-High-Income Country." In realizing this overarching theme, there are five aspects of mainstreaming emphasized in the National Medium-Term Development Plan 2020-2024, which are: 1) gender equality mainstreaming, 2) governance mainstreaming, 3) sustainable development mainstreaming, 4) socio-cultural mainstreaming, and 5) digital transformation mainstreaming. These five aspects of mainstreaming are implemented based on the principles of three development principles: building self-reliance, ensuring justice, and maintaining sustainability (Ministry of Religious Affairs of the Republic of Indonesia, 2019:130).

In various normative juridical frameworks, various laws and regulations related to the implementation of regional elections show the spirit of gender equality being accommodated structurally, where the presence of these normative juridical frameworks further emphasizes that every citizen has the same right to run as a regional head in regional elections without being limited by patriarchal cultural barriers that are not based on gender equality. The same support can also be found in various sources of Islamic law, including the Qur'an, Sunnah, and *ijtihad*, which in their application process strongly emphasize gender equality, including in this context, how a spirit must accompany the study of various sources of Islamic law to realize a society built on the principles of egalitarianism in the name of gender equality.

### Literature Review

To accelerate women's involvement in politics, the Republic of Indonesia's government has enacted Law Number 68 of 1958 concerning the Ratification of the Convention on Women's Political Rights. This law asserts several normative juridical guarantees related to the realization of equal status (non-discrimination), the guarantee of equal rights to vote and be elected, the guarantee of participation in policy formulation, and the guarantee of equal opportunities in occupying bureaucratic positions (Ignatius Mulyono, 2010). The implicit spirit behind Law Number 68 of 1958 concerning the Ratification of the Convention on Women's Political Rights indicates that political rights for women are inherent rights in their existence as Indonesian citizens. Article 28H, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia states, "Every person has the right to obtain convenience and special treatment to obtain equal opportunities and benefits to achieve equality and justice." The laws and the Constitution provisions serve as a strong foundation for all individuals, both men and women, to be free from all forms of discrimination and have equal social, personal, and political opportunities. Law Number 12 of 2003 concerning the Election of the People's Representative Council, Regional Representative Council, and Regional Representative Councils states: "Every Political Party participating in the election can nominate candidates for the People's Representative Council, Provincial Representative Councils, and District/City Representative Councils for each Electoral District, taking into account the representation of women, which must be at least 30%." Similarly, Law Number 22 of 2007 concerning the Organization of Elections regulates that the composition of the Election Organizers should consider a minimum 30% representation of women. Article 6, Paragraph (5) of that law states: "The composition of the General Election Commission, Provincial Election Commissions, and District/City Election Commissions shall consider a representation of women of at least 30% (thirty percent)." However, in reality, according to data from the General Election Commission, based on the results of the 2019 elections, the representation of women in the National Legislative Institution or the Indonesian Parliament (DPR RI) was 20.8% or 120 female legislative members out of 575 members of the DPR RI. This means that the mandate of the law has not yet been fulfilled (BEM Universitas Muhammadiyah Malang, <https://bemu.umm.ac.id>).

In describing the structure of Islamic law, Mustafa Ahmad al-Zarqa suggests that Islamic law can be categorized into several types based on the scope of their discussions, which in this case are: 1) worship law, which pertains to Islamic law governing the relationship between humans and Allah SWT. in the realm of worship. The existence of humans on Earth is inseparable from their primordial purpose to worship Allah SWT., 2) family law, which is Islamic law governing human life in the domestic sphere or can be said as the logical consequence of the formation of families through the marriage process, 3) commercial law, which is Islamic law governing the relationships that develop among humans in the economic framework, particularly in matters related to property, including the obligations and rights in managing such property for the parties involved in business transactions, 4) constitutional law, which is Islamic law governing the relationship between leaders and their subjects, including the obligations and rights of each party, whether the leaders or the led. This implies that Islamic law pays excellent attention to how human life within a country can create a social climate that balances the

implementation of obligations and rights alongside the immanent social attributes of individuals in their existence within the state, 5) penal law, which is Islamic law governing the imposition of punishments or sanctions on those who commit violations and crimes in social life. With the existence of penal law, it is hoped that collective human security can be realized in their social lives; 6) laws governing bilateral and multilateral relations, which are Islamic laws governing how bilateral and multilateral relations are established in human life while remaining within the teachings of Islam, concerning the Quran and hadith as the magnum opus of Islamic teachings, 7) and fiqh akhlaq, which is Islamic law governing the virtues of human interactions with others, built on moral values (Mustafa Ahmad al-Zarqa, n.d.: 55-56).

In addressing the issue of gender equality in its various dimensions in human life and its implications for Islamic law, Sarifa Suhra suggests that efforts to mainstream gender equality can have practical implications in the following aspects: 1) a transformation of Islamic legal thought related to the issue of equality in the relations between men and women in the texts of the Quran and Hadith, 2) a transformation of thinking in the field of professions, such as female judges and other professions that are commonly dominated by men, including leadership positions in various public domains, 3) serving as a source of inspiration for the emergence of legislation that supports women's interests. This possibility exists because it is recognized, consciously or unconsciously, that there are still legal products in this country that do not sufficiently accommodate the interests and justice of women (Sarifa Suhra, 2013, pp. 388-390).

## **2. METHODS**

This study is a literature review using normative theological, juridical, philosophical, and sociological approaches. Primary data consists of information obtained directly from various literature sources directly related to women and regional elections from the perspective of gender equality in Islamic law, which converge with the respective research focuses, namely women and regional elections, gender equality, and Islamic law as an interconnected synthesis in the discussion. Secondary data, on the other hand, refers to supporting information from literature related to the issues examined in this study, such as books discussing women and regional elections, gender equality, and Islamic law separately. Based on the Miles and Huberman Model, the research data processing and analysis process is conducted through three continuous stages: data reduction, data display, and conclusion drawing/verification (Sugiyono, 2008, pp. 337-345). To ensure the validity of the research data, the researcher employs triangulation, which consists of 1) data collection triangulation, 2) time triangulation, and 3) place triangulation (Ag. et al., 2006, p. 246).

### 3. RESULTS AND DISCUSSION

#### 1. **Concept of Women and Regional Election (*Pilkada*) in the Perspective of Gender Equality according to Islamic Law**

The concept of women and *Pilkada* in the perspective of gender equality according to Islamic law highlights how Islamic law emphasizes that gender equality in participating in regional elections as a means of serving in public spaces should be carried out responsibly by women, without disregarding their natural roles as wives to their husbands or mothers to their children within the domestic sphere of the household. Various socio-empirical evidence showcasing the significant contributions of women in their political careers demonstrates the extraordinary potential of women in the political context. They deserve equal opportunities as men in the specific context of regional elections and politics. Islamic law, as a normative theological framework depicting human efforts to manifest the spirit of egalitarianism found in the Qur'an, which is the primary and fundamental source of Islamic teachings, emphasizes the importance of placing men and women as equal partners in gender equality.

#### 2. **Opportunities and Challenges for Women and Regional Elections (*Pilkada*) in the Perspective of Gender Equality according to Islamic Law**

The opportunities for women and *Pilkada* in the perspective of gender equality according to Islamic law are as follows:

- a. The Quran and hadith indicate the need for gender mainstreaming within the framework of egalitarianism between men and women.

Islamic law as a normative foundation for Muslims in carrying out their responsibilities cannot be separated from the position of the Quran and hadith as the magnum opus of Islamic teachings. In this process, Islamic law can be seen as a path for a servant of Allah to seek the pleasure of Allah, with the Quran and hadith serving as a guide along the journey. The Quran and hadith hold normative theological indications that emphasize the importance of gender mainstreaming in various aspects of human life.

- b. The Country has provided normative legal foundations through legislation, government regulations, and similar measures that emphasize the need for women's access to politics.

In order to strengthen the implementation of gender mainstreaming, the leaders of government institutions at both the central and regional levels should take structured steps, including 1) establishing and appointing internal mechanisms/work units/responsible parties to ensure the smooth implementation of gender mainstreaming within their respective environments, 2) developing job descriptions and determining necessary steps for implementing gender mainstreaming, 3) conducting internal coordination related to their respective tasks to ensure effective gender mainstreaming, 4) providing technical assistance in the form of data and information, training, and

consultations related to their tasks and functions to those in need (Republic of Indonesia, <https://www.djkn.kemenkeu.go.id>).

- c. The socio-psychological culture of Indonesian society has become more open and accommodating towards women's involvement in politics.

In the early stages, the socio-psychological culture of Indonesian society can be described as highly textual in understanding women's leadership in public spheres. A highly textual interpretation of religious texts resulted in the curtailment of women's fundamental rights in various aspects of life dominated by patriarchal culture. However, women's involvement in politics has been more accepted over time.

The challenges for women and regional elections (*Pilkada*) in the perspective of gender equality according to Islamic law include:

- a. The persistence of specific social communities that seek to perpetuate patriarchal culture.

In its historical context, many parties have taken advantage of a patriarchal culture driven by hedonistic or pragmatic reasons. Unsurprisingly, those who have benefited from patriarchal culture continue to exert various efforts to prevent attempts to eliminate it, as they perceive men as a social community that occupies a higher or several levels above women. In response to this, Musdah Mulia argues that the development of gender discourse in Indonesian legislation, in empirical terms, still shows the presence of patriarchal cultural forces that suppress gender equality between men and women. In other words, there is an imbalance in the distribution of rights and obligations between the two genders. One tangible evidence of this is the initiative for Counter Legal Drafting (CLD) of the Islamic Law Compilation on Marriage, which ultimately failed. CLD is a concept of renewal in the Islamic Law Compilation based on Human Rights, defending gender equality and gender justice, and advocating for a fair, humanistic, pluralistic, and democratic perspective for all social strata in the gender context (Musdah Mulia, 2006, p. 114).

- b. The dual role of women in the domestic realm of the household and the public sphere requires proportional balance.

Women are a strong social community. They carry out tasks in the domestic realm such as cooking, cleaning, serving their husbands, taking care of children, and others, alongside many who pursue careers in public spaces, proving their remarkable success.

- c. Stereotypes that depict women as ideally positioned in a vertical coordinative relationship with men.

In the socio-historical context, efforts to achieve gender equality for women vis-à-vis men still face challenges, particularly in the presence of stereotypes that perceive women as having a vertical coordinative relationship with men. Numerous empirical cases

demonstrate how the extraordinary potential of women is hindered when confronted with such stereotypes. What is disheartening is when these stereotypes are perpetuated in the name of the triadic relationship between religion, state, and culture, resulting in the confinement of women's leadership potential due to these stereotypes. As a consequence of these stereotypes, women who attain leadership positions in public spaces, such as being regional heads, representatives in the national parliament, representatives in regional parliaments, and others, are often viewed as odd or unusual.

### 3. Strengthening Women and Elections (*Pilkada*) in the Perspective of Gender Equality according to Islamic Law

Strengthening women and elections (*Pilkada*) in the perspective of gender equality according to Islamic law can be achieved through:

- a. The need for a paradigm shift in understanding Islamic law closely related to gender relations.

In relation to the need for a paradigm shift in understanding Islamic law that is closely related to gender relations, strengthening women and elections in the perspective of gender equality according to Islamic law is an inseparable part of how gender equality values can be realized concretely by building an understanding of Islamic law based on transformative paradigms.

- b. The need for comprehensive and holistic gender mainstreaming from conceptual to practical levels.

The need for comprehensive and holistic gender mainstreaming from conceptual to practical levels is a constructive solution in strengthening women and elections in gender equality according to Islamic law. For example, it can be understood through efforts to develop various concepts of gender mainstreaming in human life that truly manifest in human life. In this regard, Muhammad Imarah suggests everyone should have equal rights to participate in politics or state governance without differentiation based on biological identities such as male or female (Muhammad Imarah, 1998, p. 162).

- c. The need for support from the triadic relationship of religion, state, and customs in strengthening women's involvement in elections.

The triadic relationship of religion, state, and customs is a pillar in strengthening women's involvement in elections. In relation to the existence of religion, the presence of Islamic law cannot be doubted within the framework of religion, as Islamic law is an inseparable part of the Islamic religious dimension, built on three aspects: faith, Sharia, and morality. Among these three dimensions, Sharia is the main framework of Islamic law.

## CONCLUSION

The concept of women and regional elections (*Pilkada*) from the perspective of gender equality in Islamic law has an egalitarian dimension for all of Allah's creations without being restricted by biological differences. Islamic law emphasizes that gender equality in participating in elections, as a way of serving in public spaces, should be carried out responsibly by women without neglecting their inherent roles as wives and mothers in the domestic sphere. The opportunities for women and election from the perspective of gender equality in Islamic law are: a) the Qur'an and Hadith provide indications of the need for gender mainstreaming within the framework of egalitarianism between men and women, b) the state has provided normative legal foundations through legislation, government regulations, and the like, emphasizing the need for women's access to politics, c) and the social and psychological culture in Indonesian society, which is already open and accommodating towards women's involvement in politics.

However, the challenges for women and election from the perspective of gender equality in Islamic law are: a) the existence of certain social communities that seek to perpetuate patriarchal culture, b) the dual roles of women in the domestic sphere and the public sphere, which require proportional balance, c) and stereotypes that depict women as ideally subordinate to men in vertical and coordinative relationships.

The empowerment of women and election from the perspective of gender equality in Islamic law can be achieved through a) the need for a paradigm shift in understanding Islamic law related to gender relations, b) the need for comprehensive and holistic gender mainstreaming from conceptual to practical levels, c) and the need for support from the triadic relationship of religion, state, and customary practices in strengthening women's participation in election.

## REFERENCES

- al-Zarqa, Mustafa Ahmaf, *al-Fiqh al-Islam fi Thaubihi al-Jadid: al-Madkhal al-Fiqhi al-Am*, Beirut: Dar al-Fikr, t.t.
- BEM Universitas Muhammadiyah Malang, *Budaya Patriarki dan Keterwakilan Perempuan dalam Politik*, <https://bemu.umm.ac.id>. (20 January 2023)
- Imarah, Muhammad, *Perang Terminologi Islam versus Barat*, Jakarta: Rabbani Press, 1998
- Kementerian Agama Republik Indonesia, *Moderasi Beragama*, Jakarta: Badan Litbang dan Diklat Kementerian Agama Republik Indonesia, 2019
- Moghissi, Haideh, *Feminisme dan Fundamentalisme Islam*, Yogyakarta: LKiS, 2005
- Mulia, Musdah, "Menuju Hukum Perkawinan yang Adil, Memberdayakan Perempuan Indonesia", dalam: Sulistyowati Irianto, *Perempuan dan Hukum; Menuju Hukum*



- yang Bersperspektif Kesetaraan dan Keadilan, Jakarta: Yayasan Obor Indonesia, 2006.
- Mulyono, Ignatius, *Strategi Meningkatkan Keterwakilan Perempuan*, Makalah Disampaikan pada Diskusi Panel RUU Pemilu tentang Peluang untuk Keterwakilan Perempuan yang Diselenggarakan oleh Departemen Pemberdayaan Perempuan dan Perlindungan Anak DPP Partai Demokrat di Hotel Crown Jakarta pada 02 Pebruari 2010
- Republik Indonesia, *Instruksi Presiden Nomor 9 Tahun 2000 tentang Pengarusutamaan Gender dalam Pembangunan Nasional*, <https://www.djkn.kemenkeu.go.id>. (12 January 2023)
- Setiyadi, Ag. Bambang, *Metode Penelitian untuk Pengajaran Bahasa Asing: Pendekatan Kuantitatif dan Kualitatif*, Yogyakarta: Graha Ilmu, 2006
- Sugiyono, *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif, dan R&D*, Bandung: Alfabeta, 2008.
- Suhra, Sarifa, *Kesetaraan Gender dalam Perspektif al-Qur'an dan Implikasinya terhadap Hukum Islam*, Jurnal al-Ulum Vol. 13 No. 2 Tahun 2013.
- Synnott, Anthony, *Tubuh Sosial, Symbolisme, Diri, dan Masyarakat*, Yogyakarta: Jalasutra, 2007